

Attr Dkt No.: 2001P18013US  
Serial No.: 09/967,242, Geck et al.

### REMARKS

Claims 1 – 7 and 9 – 31 remain in the application and stand rejected. Claim 8 is previously canceled. Claims 1, 3, 7, 9, 10, 15, 17 – 20 and 22 – 31 are amended herein. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claims 1, 28, and 29 are objected to because it is asserted that “and/or” is indefinite. Partially responsive thereto, claims 1, 28 and 29 are amended herein to remove “and/or” by instead reciting “responsive to communications between wirelessly connected wireless terminals and said respective base station...” Reconsideration and withdrawal of the objection to claims 1, 28, and 29 is respectfully requested.

Claims 1 – 7 and 9 – 31 are rejected under 35 U.S.C. §103(a) over U.S. Patent number 6,230,017 to Andersson et al. in view of U.S. Patent number 6,889,040 to Koo et al.

Andersson et al. acknowledges that “[t]raditionally the radio transmissions of each base station cover a geographical area, e.g., one or more ‘cells’.” Col. 1, lines 26 – 27. Andersson et al. teaches a cellular telecommunications network where each “mobile station is permitted to operate only in cells identified in the subscriber’s record in the HLR.” Abstract, lines 6 – 7, col. 2, lines 30 – 32 (emphasis added). Further, “only applicable cells listed in the subscriber’s record are paged when a call is direct to the mobile station, and the mobile station can only originate calls and sustain calls from such cells.” Abstract, lines 8 – 10, col. 2, lines 32 – 35 (emphasis added). Thus, Andersson et al. teaches a cell-wide application, i.e., for mobile stations in the coverage area of and connected to a specific base station. As long as a mobile station remains in “an allowed cell,” (i.e., in wireless communication with a base station covering “an allowed cell”) calls are handled normally. Col. 2, lines 46 – 52. However, “[r]oaming attempts outside the area of geographical restriction are permitted so that

Atty Dkt No.: 2001P18013US  
Serial No.: 09/967,242, Geck et al.

whereabouts of the mobile station can be monitored and maintained. However, except for soft restrictions, attempts to originate calls outside the area of geographical restriction are rejected.” *Id.* Soft restrictions are equivalent to roaming fees or long distance charges. Abstract, lines 14 – 19, col. 1, lines 59 – 62, col. 2, lines 40 – 45.

Koo et al. teaches service control for maintaining compatibility between different versions of wireless communications devices, e.g., state of the art base stations and down-level mobile stations “using less than the most recent protocol revision.” Abstract, lines 1 – 6.

As recited in the present application,

In a wireless network, terminals, such as telephones, are generally **connected wirelessly** to a given base station at any given moment. In a typical system, an idle terminal receives signals from one or more base stations in the vicinity. If there is more than one signal present, **the terminal analyzes the signals and connects itself to the base station associated with the strongest signal.**

page 1, lines 1 – 18 (emphasis added). So generally, terminals may be connectable to multiple base stations, but are only wirelessly connected to one, e.g. the one with the strongest signal. In a typical state of the art cellular network as described in the background of Andersson et al., for example, the terminal (cell phone) is in the cell identified by the coverage area of the base station. While Andersson et al. restricts which terminals can or cannot connect in which cell, the present invention is directed restricting features to terminals that are already connected to a base station or to cell phones in an allowed cell.

Accordingly, claims 1, 9, 17 and 28 – 31 are amended for clarity to specifically recite this relationship. Specifically, claim 1, for example, recites “at least one wireless terminal wirelessly connectable to one or more base stations and wirelessly connected to said at least one base station,” at lines 3 – 4 and claims 9, 17 and 28 – 31 are amended to include similar recitations. Further, claim 1 recites that “base station rules [restrict] features of said each wireless terminal wirelessly connected ... dependent on the base station rules corresponding to the respective base station, ... responsive to communications between wirelessly connected wireless terminals and

Atty Dkt No.: 2001P18013US  
Serial No.: 09/967,242, Geck et al.

said respective base station and the location of each of said wirelessly connected wireless terminals." Lines 8 – 14, emphasis added. Again, claims 9, 17 and 28 – 31 are amended to include similar recitations. So, while the present invention as recited in claims could be applied to connected Andersson et al. terminals in allowed cells, combining the Koo et al. compatibility service control with the Andersson et al. system does not result in the present invention as claimed in claims 1, 9, 17 and 28 – 31, as filed with the RCE or, as amended. Reconsideration and withdrawal of the rejection of claims 1, 9, 17 and 28 – 31 under 35 U.S.C. §103(a) is respectfully requested.

Furthermore, the present invention has much broader application than just to a cellular network as described in Andersson et al. For example, the present invention has application "in various wireless networks, such as voice, video, data, encrypted information, and ... implemented in the HiPath.<sup>TM</sup> wireless system [i.e., a private network] provided by Siemens Corp." Page 7, lines 7 – 14. Figure 1, for example, shows a base station 1 located in a room 20. Thus, claims 6, 15 and 23 are directed to a private wireless telephone and claims 15 and 23 are amended to recite "in a private wireless network." No new matter has been added. Reconsideration and withdrawal of the rejection of claims 6, 15 and 23 under 35 U.S.C. §103(a) is respectfully requested.

Claims 3, 7, 10, 15, 18 – 20, 22 and 24 – 27 are amended responsive to amendments to claims 1, 9 and 17. Further, because dependent claims include all of the differences with the references as the claims from which they depend, the combination of Andersson et al. with Koo et al. does not result in the present invention as recited in claims 3, 7, 10, 15, 18 – 20, 22 and 24 – 27, which depend from claims 1, 9 and 17. Reconsideration and withdrawal of the rejection of claims 3, 7, 10, 15, 18 – 20, 22 and 24 – 27 under 35 U.S.C. §103(a) is respectfully requested.

The applicants have considered the other references cited, but not relied upon and find them to be no more relevant than the references upon which the rejection is based.

Atty Dkt No.: 2001P18013US  
Serial No.: 09/967,242, Geck et al.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 - 7 and 9 - 31 under 35 U.S.C. §103(a) and allow the application to issue.

The applicants note that MPEP §706 "Rejection of Claims," subsection III, "PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED" provides in pertinent part that

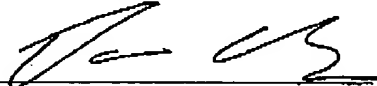
If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicants believe that the matter presented in the written description of the present application is quite different than, and not suggested by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Date: 26 Oct. 01

Respectfully submitted,

SIEMENS CORPORATION  
Customer Number: 28524  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830  
ATTENTION: Elsa Keller, IP Department  
Telephone: (732) 321-3026

By:   
David D. Chung  
Registration No. 38,409  
Attorney for Applicants  
Tel: 650-694-5339  
Fax: 650-968-4517